

through a lot of unpopular legislation, and sometimes—and too often—the process has been skirted, and it has not been healthy for the Republic, which is one reason people have not been happy with it.

So we are at it again, in these last hours, attempting to force through legislation that is not acceptable to the people.

Proponents of the DREAM Act are sincere, and they insist this is a limited bill for young children of illegal immigrants who graduate from high school, get a college degree, and join the military. But the facts of the legislation are different. The DREAM Act would grant legislation to millions of illegal aliens, regardless of whether they go to or finish college or high school or serve in the military. It is certainly not limited to children. It would apply to people here illegally who are as old as 30. Because the bill has no cap or sunset, they will remain eligible at any future time.

Mr. President, I know my good friend, Senator DURBIN, who is such an able advocate, challenged me last night, or my staff, saying we were incorrect in saying that the Secretary of HHS would have the ability to waive some of the requirements in the bill. Just for my staff's sake, I want to read this part of the bill. He said it wasn't in there. My staff explained to his staff why they thought it was in there. The waiver section states:

The Secretary of Homeland Security may waive the ground of deportability under paragraph 1 of section 237(a) for humanitarian purposes or family unity.

Maybe we can disagree how that might all be played out, but I think that is clearly a waiver provision in the bill.

The amnesty provision—and this is an amnesty bill, because it provides every possible benefit, including citizenship, to those who are in the country illegally, and I think that is a fair definition of amnesty. The amnesty provisions are so broad that they are open to those who have had multiple criminal convictions of up to two misdemeanors—just not three—and many criminal cases that are felonies are pled down to misdemeanors, including certain sex offenses, drunk driving, and drug offenses.

But the bill goes further, offering a safe harbor to those with pending applications, even if they pose some risk to the country. In other words, if you have filed and sought protection under the act, this can stay any action against you in any deportation proceedings.

I think it is particularly dangerous because the safe harbor would apply to those even from terror-prone regions in the Middle East. In fact, the DREAM Act altogether ignores the lessons of 9/11, going so far as to open up eligibility to those who previously defrauded immigration authorities, provided false documentation, as did many of the 9/11 hijackers on their visa applications.

Some have suggested this should not be a debate about policy but instead about compassion. But good policy, faithfully followed, is compassion. I ask my friends who support the legislation, what is compassionate about ignoring the public wishes and forcing people to live with a lawless border and a lawless immigration system that must be reformed and Congress refuses to reform? I ask them, is it compassionate to put illegal aliens in front of the line, ahead of those who have patiently waited and played by the rules? Is it compassionate to act in a way that undermines the integrity and consistency of our legal system—a system that is so important to our prosperity and liberty?

The message from the public has never been in doubt. Before we consider regular status for anyone living here illegally, we first must secure the border. My friend, BEN NELSON from Nebraska, has spoken on this for a half dozen years. When he speaks, he has a sign behind him that says “border security first.” That is what Senator MCCAIN has said. He has been a champion of immigration reform. He says he has come to understand with clarity that we must have security first.

That is what the American people have told us, I am convinced. If we do not do those actions first, if we pass this amnesty, we will signal to the world that we are not serious about the enforcement of our laws or our borders. It will say that you can make plans to bring in your brother, sister, cousin, nephew, and friends into this country illegally as a teenager, and there will be no principled reason in the future for the next Congress then sitting to not pass another DREAM Act. It will only be a matter of time before that next group that is here illegally will make the same heartfelt pleas we hear today.

It is time to end the lawlessness, not surrender to it. It is time to end the lawlessness that is occurring. This is a decisive vote. I urge my colleagues to oppose this reckless bill and commit ourselves, as a nation, to creating an immigration system that is just and lawful and that befits a nation as great as ours.

Mr. President, I ask unanimous consent that the time remaining that I have not used that has been allocated to the Republicans be divided as follows, and not necessarily in this order: Senator MCCAIN, 10 minutes; Senator CHAMBLISS, 5; Senator INHOFE, 10; Senator KYL, 5.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we have it within our power to fix the broken immigration system. Last year, approximately 600,000 people were arrested entering our country illegally. That is lower than it has been, but a determined leadership from the President, from the Congress, can, within a matter of 1 or 2 years, end this prob-

lem, and then we can begin to wrestle with the difficult question of those who have been in our country for some time.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

#### ORDER OF PROCEDURE

Mr. LEVIN. How much time has been used by Senator SESSIONS?

The ACTING PRESIDENT pro tempore. The Senator has used 14 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that now the Senator from Oregon be recognized for 3 minutes, and then I be recognized for 6 minutes.

The ACTING PRESIDENT pro tempore. Without objection—

Mr. INHOFE. Mr. President, reserving the right to object, can the Senator amend that to include me for 10 minutes following his remarks?

Mr. LEVIN. I so amend my request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oregon is recognized.

#### HEALTH CARE

Mr. WYDEN. Mr. President, Senators, let me thank all of you for your many kindnesses over the last 48 hours. When news about your prostate is ricocheting around the blogosphere, all the calls, notes, and even offers to object on my behalf have meant a lot. I only want to say that I just hope this encourages everybody to go out and get those physicals. What this is all about is prevention. We can agree that when it comes to health care that we all ought to focus on prevention.

#### DON'T ASK, DON'T TELL

Mr. WYDEN. Mr. President, briefly, it was so important for me to be here today because don't ask, don't tell is wrong. I don't care who you love. If you love this country enough to risk your life for it, you should not have to hide who you are. You ought to be able to serve.

The history of our wonderful Nation is spotted with wrongs, but this institution is at its best when it corrects those. That is the opportunity we will have today.

Don't ask, don't tell has resulted in the discharge of over 14,000 patriotic and talented service members who were otherwise qualified to serve their country.

A 2005 Government Accountability Office report says nearly 10 percent of those discharged under don't ask, don't tell have been linguists trained in critical languages such as Arabic, Farsi, and Chinese.

As a member of the Senate Intelligence Committee, let me tell you